

U.S. Department of Justice
United States Attorney
Western District of New York

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Buffalo, New York 14202

PRESS RELEASE

May 18, 2004

RE: UNITED STATES v. MARCHELLO LOWERY

United States Attorney Michael A. Battle announced today that Marchello Lowery, age 22, of Buffalo, New York, pled guilty on May 18, 2004 before Hon. Richard J. Arcara, Chief Judge, United States District Court, to one count of attempted possession of cocaine, in violation of Title 21, United States Code, Section 846, carrying a maximum penalty of 20 years imprisonment, a fine of \$1,000,000.00, or both.

Assistant U.S. Attorney Mary Clare Kane, who handled the case, stated that on May 28, 2003, the defendant was arrested along with two others, by the U.S. Drug Enforcement Administration (DEA), in connection with a DEA "sting" or reverse drug operation. In May of 2003, DEA arranged, through the use of confidential sources, recorded telephone calls and pre-arranged meetings, to sell a "sham" kilogram of cocaine to a co-defendant of Lowery's. A meeting between the co-defendant and the DEA source occurred on May 28, 2003 at McDonald's restaurant, 2196 Niagara Street, Buffalo, New York. The deal soured when Lowery's cohort failed to bring the agreed

upon monies. Thereafter, Lowery and the others were arrested. According to AUSA Kane, Lowery admitted to DEA agents that he agreed ahead of time to go with the co-defendant in order to provide protection during the exchange and that he expected to receive cocaine in exchange for his efforts.

The plea was the culmination of an investigation on the part of the DEA under the direction of Resident Agent-in-Charge Mark T. Peterson.

Sentencing is scheduled for August 27, 2004, at 12:30 p.m. in front of Hon. Richard J. Arcara, Chief, United States District Judge.

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